

**SUPREME COURT MINUTES
WEDNESDAY, JUNE 26, 2002
SAN FRANCISCO, CALIFORNIA**

S091549

NORDYKE v. KING
Rehearing denied

Brown, J., is of the opinion the petition should be granted.

S106681

F036242 Fifth Appellate District

PEOPLE v. LOPEZ
Petition for review granted; issues limited (criminal case)

The issue to be briefed and argued shall be limited to whether carjacking requires asportation.

Votes: George, CJ., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S105271B145238 Second Appellate District,
Division Four

PEOPLE v. HERNANDEZ
Issues ordered limited

Briefing and argument in this case shall be limited to the question whether, assuming prejudicial error occurred, retrial is barred by principles of double jeopardy.

Brown, J., was absent and did not participate.

S105909B146368 Second Appellate District,
Division Two

HAGBERG v. CALIFORNIA FEDERAL BANK
Review granted/briefing deferred (rule 29.3) - civil case

Further action in this matter is deferred pending consideration and disposition of a related issue in *Balser v. Wells Fargo Bank*, S101833 and *Mulder v. Pilot Air Freight*, S105484 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown & Moreno, JJ.

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S101023**HENRY (RICHARD) ON H.C.**

Order to show cause issued; returnable in CA 5

The Director of Corrections is ordered to show cause before the Court of Appeal, Fifth Appellate, when the matter is placed on calendar, why petitioner is not entitled to have the finding of guilt of a prison rule violation in log number C-98-07-076R vacated, based on his allegation that he was prevented from producing exculpatory evidence and thus denied a right to a fair trial under Title 15 of the California Code of Regulations, §§ 3315 and 3320. The return shall be filed on or before July 26, 2002.

Votes: George, CJ., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S106971G026598 Fourth Appellate District,
Division Three**DUBONT et al. v. CORNELL UNIVERSITY**

Petition for review granted; transferred to CA 4/3

with directions to vacate its opinion filed April 11, 2002, and the order of December 16, 1999, and enter a new order, nunc pro tunc as of December 16, 1999, stating that it is treating the petition for writ of mandate/prohibition, filed November 1, 1999, as a notice of appeal.

Votes: George, CJ., Baxter, Werdegar, Chin, Brown & Moreno, JJ.

S107232G028636 Fourth Appellate District,
Division Three**BURRIS v. S.C.(PEOPLE)**

Review granted on court's own motion; transferred to CA 4/3

at the request of that court, which is directed to vacate its original decision and refile its opinion as modified. The parties may file a new and timely petition for review after the Court of Appeal has filed its modified opinion.

Votes: George, CJ., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

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S107497

D040158 Fourth Appellate District,
Division One

WARBURTON v. S.C. (THE TUNICA)

Transferred to CA 4/1, with directions to issue an
alternative writ

to be heard before that court when the
proceeding is ordered on calendar. (See *C & L
Enterprises, Inc. v. Citizens Bank Potawatomi
Indian Tribe of Oklahoma* (2001) 532 U.S.
411 and *1880 Corp. v. Superior Court* (1962)
57 Cal.2d 840.).

All proceedings San Diego County Superior
Court case number GIC773242, entitled
Warburton/Buttner v. First Nation Gaming
LLC et al., are hereby stayed pending further
order of the Court of Appeal.

Votes: George, CJ., Kennard, Werdegard and
Moreno, JJ.

S053288**PEOPLE v. CARTER (FRANK DEAN)**

Appeal abated

As indicated in a Certificate of Death, and the
report of the Marin County Coroner, filed in
this court, defendant Frank Dean Carter died in
San Quentin State Prison on August 21, 2001.
All proceedings in this matter are permanently
abated. The Superior Court is directed to enter
an order to that effect. (*People v. Dail* (1943)
22 Cal.2d 642, 659; *People v. de St. Maurice*
(1913) 166 Cal. 201, 202.)

S106479

A093673 First Appellate District,
Division Two

GALLAGHER v. GROTH BROS. OLDSMOBILE

Petition ordered withdrawn

Pursuant to written notification, from counsel
for petitioner, that the parties have settled the
case, the above-entitled petition for review is
ordered withdrawn.

S107004

A094062 First Appellate District,
Division Five

SEELIG v. INFINITY BROADCASTING

Petition ordered withdrawn

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S103224	WILSON (ANDREAN G.) ON H.C. Petition for writ of habeas corpus denied (AA)
S089463	LAWLEY (DENNIS HAROLD) ON H.C. Ordered filed Petition for review denied.
S105912 B151188 Second Appellate District, Division Seven	CUNICO v. MILLER Petition for review denied
S105915 D038976 Fourth Appellate District, Division One	SCHROEDER v. IRVINE Petition for review denied Baxter, J., is of the opinion the petition should be granted.
S105955 B148128 Second Appellate District, Division Six	SWANSON v. ST. JOHNS MEDICAL CENTER Petition for review & depublication requests denied
S105957 B151096 Second Appellate District, B154159 Division Two	H. (HEIDI), IN RE Petition for review denied
S106099 E031147 Fourth Appellate District, Division Two	GABBA v. S.C. (PEOPLE) Petition for review denied
S106138 E029198 Fourth Appellate District, Division Two	EL DORADO PALM SPRINGS, LTD v. CITY OF PALM SPRINGS et al. Petitions for review denied
S106141 B149708 Second Appellate District, Division Six	SNELLENBERGER v. COMMISSION ON PROFESSIONAL COMPETENCE (CONEJO) Petition for review denied

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S106286 D037558 Fourth Appellate District, Division One	L. (TYLER) v. POWAY UNIFIED SCHOOL DISTRICT Petition for review denied
S106301 C036441 Third Appellate District	GRANT v. RUTLEDGE Petition for review denied
S106341 B147183 Second Appellate District,	PEOPLE v. LOPEZ Petition for review denied
S106374 B148676 Second Appellate District, Division Five	VERNON, CITY OF v. VERNON PROPERTY Petition for review denied <div style="text-align: right;">Kennard, J., and Brown, J., are of the opinion the petition should be granted.</div>
S106395 C037315 Third Appellate District	PEOPLE v. TURNER Petition for review denied
S106449 E031490 Fourth Appellate District, Division Two	GARDNER v. S.C. (PEOPLE) Petition for review and application for stay denied
S106455 G029715 Fourth Appellate District, Division Three	T. (JAYSON), IN RE Petition for review & depublication request denied
S106505 D039640 Fourth Appellate District, Division One	WESTERFIELD v. S.C. (COPLEY PRESS) Application for stay and petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed May 3, 2002, which appears at 98 Cal.App.4th 145. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

Kennard, J., is of the opinion the petition should be granted.

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S106509 H023199 Sixth Appellate District	DEPASSE, ESTATE OF Petition for review denied
S106517 B148684 Second Appellate District, Division One	UTILITY AUDIT COMPANY v. CITY OF LOS ANGELES Petition for review denied
S106549 F038781 Fifth Appellate District	B. (HEATHER), IN RE Petition for review denied
S106590 H022718 Sixth Appellate District	BERUBE v. ADA PARK HOMEOWNERS ASSN. Petition for review denied
S106608 B145494 Second Appellate District, Division One	PEREZ v. COMPTON Petition for review denied
S106616 C038129 Third Appellate District	PEOPLE v. WASIKOWSKI Petition for review denied
S106626 C039515 Third Appellate District	MAZZI, ESTATE OF Petition for review denied
S106631 B146452 Second Appellate District, Division One	PEOPLE v. GONZALEZ Petition for review denied
S106649 H023366 Sixth Appellate District H023951	S. (VINCENT), IN RE Petition for review denied
S106664 F040307 Fifth Appellate District	YOUNG v. S.C. (PEOPLE) Petition for review denied
S106668 C034507 Third Appellate District	PEOPLE v. THOMPSON Petitions for review denied

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S106684 A098417 First Appellate District, Division Four	WORLEY v. S.C. (SOLANO FAMILY SUPPORT) Petition for review denied
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S106691 F036768 Fifth Appellate District	PEOPLE v. LOPEZ Petition for review denied
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S106694 C036023 Third Appellate District	PEOPLE v. CHHOEUN Petition for review denied
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S106696 B148544 Second Appellate District, Division Three	PEOPLE v. PALACIOS Petition for review denied
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S106701 E027190 Fourth Appellate District, Division Two	PEOPLE v. MOUTON-JACKSON Petition for review denied
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S106716 B144719 Second Appellate District, Division Six	PEOPLE v. RODRIGUEZ Petition for review denied
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S106733 A095367 First Appellate District, Division One	JONES v. D.M.V. Petition for review & publication request denied
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S106741 F035466 Fifth Appellate District	PEOPLE v. KELLEY Petition for review denied
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Baxter, J., is of the opinion the petition should
be granted.

S106767 E028391 Fourth Appellate District, Division Two	PEOPLE v. GORDON Petition for review denied
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S106777 B155263	Second Appellate District, Division Five	PEOPLE v. GADLIN Petition for review denied
S106788 D040035	Fourth Appellate District, Division One	COPLEY PRESS v. S.C. (WESTERFIELD et al.) Petition for review denied Kennard, J., is of the opinion the petition should be granted.
S106794 E031358	Fourth Appellate District, Division Two	DAVENPORT ON H.C. Petition for review denied
S106795 B138645	Second Appellate District, Division Three	ALDERETTE v. PAUL HASTINGS Petition for review denied
S106800 A096603	First Appellate District, Division One	ROBINSON, MARRIAGE OF Petition for review denied
S106841 B150321	Second Appellate District, Division Six	PEOPLE v. ROBINSON (ADAMU K.) Petition for review denied
S106848 A095026	First Appellate District, Division Four	PEOPLE v. MATLOCK Petition for review denied
S106859 A098375	First Appellate District, Division Three	LEGACY PARTNERS 2323 v. S.C. (WOODSON) Petition for review and application for stay denied
S106864 C036351	Third Appellate District	PEOPLE v. WILSON Petition for review denied

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S106877 A095056 First Appellate District, Division Five	PEOPLE v. JOHNSON Petition for review denied
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S106878 F035331 Fifth Appellate District	PEOPLE v. FORREST Petition for review denied
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S106879 F036967 Fifth Appellate District	PEOPLE v. RODRIGUEZ Petition for review denied
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Baxter, J., was recused and did not participate.

S106880 E029680 Fourth Appellate District, Division Two	PEOPLE v. MONTANA Petition for review denied
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S106882 F036936 Fifth Appellate District	PEOPLE v. CASTRO Petition for review denied
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Baxter, J., was recused and did not participate.

S106884 D036694 Fourth Appellate District, Division One	PEOPLE v. GALLEGOS Petition for review denied
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S106885 C038211 Third Appellate District	PEOPLE v. VIVIAN Petition for review denied
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S106887 B150430 Second Appellate District, Division Six	PEOPLE v. ROBLEDO Petitions for review denied
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S106889 F036606 Fifth Appellate District	PEOPLE v. ANDREWS Petition for review denied
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Baxter, J., was recused and did not participate.

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S106891 E029266	Fourth Appellate District, Division Two	PEOPLE v. WOODSON Petition for review denied
S106892 B153032	Second Appellate District, Division Eight	PEOPLE v. PADILLA Petition for review denied
S106894 G028025	Fourth Appellate District, Division Three	PEOPLE v. DELONG Petition for review denied
S106896 C038420	Third Appellate District	PEOPLE v. RHORABOUGH Petition for review denied
S106897 C037477	Third Appellate District	PEOPLE v. TATE Petition for review denied
S106898 H022540	Sixth Appellate District	PEOPLE v. PATTERSON Petition for review denied
S106905 A094431	First Appellate District, Division Five	PEOPLE v. KALAJIAN Petition for review denied
S106909 C037398	Third Appellate District	PEOPLE v. SINNOTT Petition for review denied
S106911 B151120	Second Appellate District, Division Two	PEOPLE v. PIMPTON Petition for review denied
S106912 A092842	First Appellate District, Division Two	PEOPLE v. RAMIREZ Petition for review denied
S106916 D036061	Fourth Appellate District, Division One	PEOPLE v. SIRAT Petition for review denied

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S106919 A094544 First Appellate District, Division One	PEOPLE v. JENSEN Petition for review denied
S106930 C037236 Third Appellate District	PEOPLE v. WOOLFOLK Petition for review denied
S106931 B149344 Second Appellate District, Division Three	PEOPLE v. LAWRENCE Petition for review denied
S106933 A097461 First Appellate District, Division Two	ZEPPEIRO v. CITIBANK Petition for review denied
S106945 H022107 Sixth Appellate District	PEOPLE v. GUSTAFSON Petition for review denied
S106946 B154232 Second Appellate District, Division Five	HERNANDEZ v. KING Petition for review denied
S106948 A095187 First Appellate District, Division Three	YOHANAN FAMILY LIMITED v. CONTRA COSTA COUNTY COMMUNITY DEV., etc. Petition for review denied
S106949 C041018 Third Appellate District	JOHNSON (TONEY) ON H.C. Petition for review denied
S106952 B150829 Second Appellate District, Division Three	PEOPLE v. HOWELL Petition for review denied
S106954 A093628 First Appellate District, Division Four	PEOPLE v. CHOPRA Petition for review denied

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S106956

B157319 Second Appellate District,
Division One

VERIZON/GTE v. W.C.A.B.
Petition for review denied

Werdegar, J., was recused and did not
participate.

S106961

B146897 Second Appellate District,
Division Five

GARDEN GATE, INC. et al. v. SIEGEL et al.
Petition for review denied

S106963

B148738 Second Appellate District,
Division Seven

PEOPLE v. DIAZ
Petition for review denied

S106966

G025738 Fourth Appellate District,
Division Three

PEOPLE v. GARCIA
Petition for review denied

S106967

A094885 First Appellate District,
Division One

THOMAS v. DEPARTMENT OF HEALTH SVCS.
Petition for review denied

S106974

B149959 Second Appellate District,
Division Eight

PEOPLE v. MAYORGA
Petition for review denied

S106978

C038811 Third Appellate District

V. (ARIANNA), IN RE
Petition for review denied

S106981

C037655 Third Appellate District

PEOPLE v. GARRETT
Petition for review denied

S106982

B144156 Second Appellate District,
Division Four

PEOPLE v. CRAYON
Petition for review denied

S106983

A092928 First Appellate District,
Division One

PEOPLE v. GREENFIELD
Petition for review denied

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S106985 B150667	Second Appellate District, Division Eight	PEOPLE v. STARR Petition for review denied
S106986 E029374	Fourth Appellate District, Division Two	PEOPLE v. GARDNER Petition for review denied
S106988 E028737	Fourth Appellate District, Division Two	M. (JUAN), IN RE Petition for review denied
S106990 B150745	Second Appellate District, Division Seven	PEOPLE v. ROMAN Petition for review denied
S106992 C041077	Third Appellate District	JONES v. S.C. (PEOPLE) Petition for review denied
S106993 E030731	Fourth Appellate District, Division Two	Q. (ABRAHAM), IN RE Petition for review denied
S106997 A093016	First Appellate District, Division Four	PEOPLE v. CALLOWAY Petition for review denied
S107012 F039363	Fifth Appellate District	HERNANDEZ (JESSE) ON H.C. Petition for review denied
Baxter, J., was recused and did not participate.		
S107016 C033168	Third Appellate District	PEOPLE v. TIJANI Petition for review denied
S107017 F037973	Fifth Appellate District	G. (LUIS) IN RE Petition for review denied

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S107021

B147718 Second Appellate District,
Division Five

PEOPLE v. SANDOVAL

Petition for review denied

S107030

B148374 Second Appellate District,
Division Seven

PEOPLE v. HILKE

Petition for review denied

S107108

B149783 Second Appellate District,
Division Four

PEOPLE v. PARKER

Petition for review denied

S107116

G025291 Fourth Appellate District,
Division Three

HOY v. UNITED SERVICES AUTOMOBILE ASSN.

Petition for review denied

S107118

B147413 Second Appellate District,
Division Two

PEOPLE v. SALINAS

Petition for review denied

S107535

H024366 Sixth Appellate District

APPLIED MATERIALS v. S.C. (RENAULT &
HANDLEY OAKMEAD SOLAR JOINT VENTURE
Petition for review and application for stay denied

Brown, J., was absent and did not participate.

S107557

B159058 Second Appellate District,
Division Seven

JOHN & ASSOCIATES v. S.C. (AMERICAN
STATES INSURANCE COMPANY et al.)

Petition for review and application for stay denied

Brown, J., was absent and did not participate.

S107625

B159166 Second Appellate District,
Division Five

WERTHEIM (ZOHAR) ON H.C.

Petition for review and application for stay denied

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S107706

B159159 Second Appellate District,
Division Two

N. (HARRY), IN RE

Petitions for review and applications for stay denied

Brown, J., was absent and did not participate.

S107735

E031827 Fourth Appellate District,
Division Two

WESBY v. S.C. (KAZMIER)

Petition for review and application for stay denied

Brown, J., was absent and did not participate.

S101486

LE MELLE (MARK ALLEN) ON H.C.

Petition for writ of habeas corpus denied

S103153

McCUTCHEON (GEORGE A.) ON H.C.

Petition for writ of habeas corpus denied

S103154

HOUSTON (KEVIN) ON H.C.

Petition for writ of habeas corpus denied

S103168

LUCKETT (RONNIE) ON H.C.

Petition for writ of habeas corpus denied

S103224

WILSON (ANDREAN GERALD)

S103228

TATOY (MARTIN B.) ON H.C.

Petition for writ of habeas corpus denied with
citation(s)

S103256

HANDY (REGINALD) ON H.C.

Petition for writ of habeas corpus denied
with citation(s)

S103272

FLEMINGS (KEVIN TYRONE) ON H.C.

Petition for writ of habeas corpus denied

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S103274

PALMORE (RAYMOND) ON H.C.
Petition for writ of habeas corpus denied

S103293

JONES (MICHAEL L.) ON H.C.
Petition for writ of habeas corpus denied

S103296

SILVA (LESLIE WALKER) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

S103310

CLARK (LEROY) ON H.C.
Petition for writ of habeas corpus denied
with citation(s)

S103347

LEE (GEORGE) ON H.C.
Petition for writ of habeas corpus denied

S104327

SILVA (LEWLIE WALKER) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate

S104677

FOMBY ON H.C
Petition for writ of habeas corpus denied with
citation(s)

S104708

PRESTON ON H.C.
Petition for writ of habeas corpus denied with
citation(s)

S104709

FRANK ON H.C.
Petition for writ of habeas corpus denied

S104729

CODY ON H.C.
Petition for writ of habeas corpus denied

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S104961	MASON ON H.C. Petition for writ of habeas corpus denied
S104972	ROTROFF (DENIS K.) ON H.C. Petition for writ of habeas corpus denied
S104979	MOORE (GREGORY) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S105009	TATE ON H.C. Petition for writ of habeas corpus denied
S105071	ELAM (TODD A.) ON H.C. Petition for writ of habeas corpus denied
S105073	THOMAS (ERIC L.) ON H.C. Petition for writ of habeas corpus denied
S106984 D040021 Fourth Appellate District, Division One	WESTERFIELD v. S.C. (PEOPLE) Publication ordered (case closed)
S104247 D037231 Fourth Appellate District, Division One	REDEVELOPMENT AGENCY v. RADOS BROS. Depublication requests denied (case closed)
S105893 F038910 Fifth Appellate District	G. (TARAN) IN RE Publication request denied (case closed)
S106473 B134748 Second Appellate District, Division Three	METHODIST HOSPITAL v. S.C. (DE RUYTER) Publication request denied (case closed)
S106555 A095231 First Appellate District, Division Three	FEWER v. CITY AND COUNTY OF SAN FRANCISCO Publication request denied (case closed)

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S106670

E028561 Fourth Appellate District,
Division Two

ROJAS v. SOTO

Publication request denied (case closed)

S106698

B144972 Second Appellate District,
Division Three

**INSURANCE COMPANY OF THE WEST v.
PANGBORN PLUMBING CORP. et al.**
Depublication request denied (case closed)

S106835

A093337 First Appellate District,
Division Two

B.(SABRINA), ADOPTION OF
Publication request denied (case closed)

S106873

B147471 Second Appellate District,
Division Seven

WANG v. CHEVROLET
Depublication request denied (case closed)

S107001

B138345 Second Appellate District,
Division Two

SIRKUS v. LOVE
Publication request denied (case closed)

S107002

A098479 First Appellate District,
Division Four

**ELEGANT ENTERTAINMENT LIMOUSINE v.
E.S.I. BUS SALES et al.**
Publication request denied (case closed)

S012943

PEOPLE v. RUNDLE (DAVID ALLEN)
Extension of time granted

To 8/26/2002 to file AOB, in light of the
proceedings for preparing the record on appeal
in the Superior Court of Placer County.

S024416

PEOPLE v. CLEVELAND AND VEASLEY
Extension of time granted

To 8/27/2002 to applt. CLEVELAND to file
AOB. Asst. State Public Defender Ayoob
anticipates filing the brief by 8/27/2002. No
further extension will be granted.

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S041008

PEOPLE v. HOYOS (JAIME A.)
Extension of time granted

To 8/23/2002 to file AOB. Counsel anticipates filing the brief by 3/28/2003. Four further extensions for 212 additional days are contemplated.

S041630

PEOPLE v. JABLONSKI (PHILIP C.)
Extension of time granted

To 8/20/2002 to file AOB. The court anticipates that after that date only four further extensions totaling 240 additional days will be granted. Counsel is ordered to inform his assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record of this schedule, and to take all steps necessary to meet it.

S042224

PEOPLE v. CRUZ (THOMAS V.)
Extension of time granted

To 8/26/2002 to file AOB. Counsel anticipates filing the brief by 10/15/2002. One further extension totaling 50 additional days is contemplated.

S099224

CRUZ (JOAQUIN) ON H.C.
Extension of time granted

To July 24, 2002 to file petitioner's reply to informal response.

S103597

VERNON (KENNETH) ON H.C.
Extension of time granted

to and including July 21, 2002 for Attorney General to file the informal response.

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S065877

PEOPLE v. LOPEZ, SERNA & TRUJEQUE
Counsel appointment order filed

Upon request of appellant for appointment of counsel, Edward J. Horowitz is hereby appointed to represent Herminio Serna for the direct appeal in the above automatic appeal now pending in this court.

S022998

PEOPLE v. TOWNSEL (ANTHONY L.)
Order filed

The document filed on May 10, 2002, is treated as a request for substitution of counsel (see *People v. Marsden* (1970) 2 Cal.3d 118) and as such is denied.

Brown, J., was absent and did not participate.

S095743

A092451 First Appellate District,
Division Five

SITES v. S.C. (ROSENBLEDT)
Order filed

Real Party in Interest's request for dismissal of review is denied

S100932

WILLIAMS (BARRY) ON H.C.
Order filed

Petitioner's Motion for Leave to File Declaration of Counsel Under Seal, filed on April 30, 2002, is denied. The Clerk of the Court is directed to return the declaration of Scott T. Johnson, lodged conditionally under seal, to the moving party. (See Cal. Rules of Court, rule 12.5(e)(7).)

Brown, J., was absent and did not participate.

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S101172

MARLOW (JAMES G.) ON H.C.
Order filed

Good cause appearing therefor (see Cal. Rules of Court, rule 33(a)), respondent's "Motion to Unseal and Transmit Sealed Reporter's and Clerk's Transcripts," filed on May 23, 2002, is granted.

The clerk is directed to unseal the following passages of the reporter's and clerk's transcripts on appeal, and is further directed to transmit a copy thereof to respondent:

1. Confidential Clerk's Transcript, pages 855-856.
2. Reporter's Transcript, pages 5055A-5059 (October 28, 1988).
3. Reporter's Transcript, pages 10855-10870 (April 9, 1989).
4. Reporter's Transcript, pages 10871-10891 (April 10, 1989).

Brown, J., was absent and did not participate.

